

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RICHARD PROVINCE, *individually and*)
on behalf of all others similarly situated,)

Plaintiff,)

vs.)

Case No. 4:24-cv-00339-MTS

TARGET CORPORATION, *et al.*,)

Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on Defendant’s Motion to Dismiss. Doc. [17]. The Court has reviewed Plaintiff’s First Amended Complaint in its entirety as well as the complete briefing on this Motion. Largely for the reasons explained by this Court in *Newport v. CVS Pharmacy, Inc.*, 4:24-cv-0252-HEA, 2024 WL 4836072 (E.D. Mo. Nov. 20, 2024) (Autrey, J.), and the United States District Court for the District of Minnesota in *Stephens v. Target Corp.*, 694 F. Supp. 3d 1136 (D. Minn. 2023) (Schiltz, C.J.), this Court will deny Defendant’s Motion. The Court, however, will dismiss Count Two and Count Three of Plaintiff’s First Amended Complaint based on Plaintiff’s withdrawal of those counts. *See* Doc. [18] at 15 (“Plaintiff hereby voluntarily withdraws his Counts Two and Three”); *see also* Doc. [19] at 1 n.1 (Defendant Target Corporation noting Plaintiff’s withdrawal). Count One and Count Four of Plaintiff’s First Amended Complaint will remain. Defendant Target Corporation shall have the prescribed time to file its responsive pleading.


Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss Plaintiff's First Amended Complaint, Doc. [17], is **DENIED**.

IT IS FURTHER ORDERED that Count Two and Count Three in Plaintiff's First Amended Complaint, Doc. [15], are **DISMISSED** without prejudice.

IT IS FINALLY ORDERED that Plaintiff shall have through **Wednesday, February 05, 2025**, to file proof of service of the Doe Defendants. *See* Fed. R. Civ. P. 4(m). Failure to do so will result in the dismissal of this action without prejudice against those Defendants. *Id.*

Dated this 15th day of January 2025.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE